

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

23633

FILE:B-208975

DATE: November 22, 1982

MATTER OF: Datacrown Inc.

DIGEST:

Protest received in GAO more than 10 days after protester is notified by agency of unacceptability of its proposal and specific reasons therefore is untimely, despite subsequent debriefing by agency since grounds for protest were known upon receipt of notice of rejection.

Datacrown, Inc. (Datacrown), protests the rejection of its proposal as technically unacceptable without negotiations by the National Park Service (NPS) under request for proposals (RFP) No. WAS081-15, for teleprocessing services. NPS contends that Datacrown's protest is untimely. We agree.

Our Bid Protest Procedures require that a protest be filed with GAO within 10 days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1982).

In its report to this Office, NPS submitted a copy of its letter dated August 5, 1982, in which Datacrown was notified of the proposal rejection and the five specific bases therefore. Assuming 1 week for receipt by Datacrown of the letter, Datacrown knew of the rejection and the reasons by August 12, 1982. Datacrown's protest to this Office was not filed (received) until September 8, 1982, more than 10 working days after Datacrown was aware of its bases for protest. While Datacrown generally expresses disagreement with NPS on timeliness, it has not denied receipt of the August 5, 1982, letter in a timely fashion, or offered evidence refuting NPS's statement of the chronology of events.

Datacrown apparently waited until after its debriefing with NPS officials on August 24, 1982, to file the

023969

protest. Although we have stated that a protester might reasonably delay the filing of its protest until a debriefing when the information available earlier left uncertain whether there was any basis for protest, we have found untimely protests such as this one, which are not filed until after the debriefing when the bases of protest are evident prior to the debriefing. BDM Corporation, B-201291, June 28, 1981, 81-1 CPD 532, and cases cited therein.

Accordingly, we dismiss the protest.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel